

AO 91 (Rev. 5/85) Criminal Complaint

**United States District Court****DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

**V.**EDSON GOMES RODRIGUES  
6 S. Main Street  
Milford, MA 01757**CRIMINAL COMPLAINT**

CASE NUMBER: 04-M00058-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 25, 2001 in Bristol county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

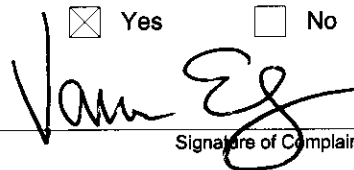
for the purpose of obtaining a Massachusetts Driver's License, willfully, knowingly, and with intent to deceive, use a social security account number, assigned by the Commissioner of Social Security on the basis of false information furnished to the Commissioner of Social Security by him or others on his behalf

in violation of Title 42 United States Code, Section(s) 408(a)(7)(A).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:  
Official Title

See attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

08-31-2004

Date

at

Boston, MA

City and State

Lawrence P. Cohen, U.S. Magistrate Judge

Name &amp; Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, Vance Ely, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Office of the Inspector General, Office of Investigations, Boston Field Office since May 1997. My duties include investigating violations of Title 42 and Title 18 of the United States Code. During the period of my employment, I have conducted numerous investigations of Social Security fraud and other criminal violations. I was previously employed by the United States Department of Justice, Immigration & Naturalization Service, as an Immigration Inspector for 4 ½ years. I also hold a Bachelor of Science degree from Westfield State College.

2. SSA is an agency within the Executive Branch of the United States Government responsible for approving applications for Social Security Numbers and issuing Social Security Number Cards to eligible applicants, as well as managing and administering retirement, disability, survivor benefits, and Supplemental Security Income programs to our nation's eligible beneficiaries.

3. The Social Security Act (42 U.S.C. §301 et seq.) was enacted in 1935 to provide for the general welfare by establishing a system of Federal Benefits. The Social Security Number ("SSN"), a nine digit number, was devised as a means to keep track of the earnings of individuals who work under covered employment. Along with the SSN, the Social Security Number Card ("SSNC") was created. SSNCs are issued with or without employment restrictions depending upon the eligibility of the individual making application. The Social Security Number Card bears a Social Security Number; shows the name of the person whose record is identified by that SSN; and contains a space for the person's signature.

4. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, and information provided by others. This affidavit does not contain all information received during the course of the investigation but contains those facts that I believe are necessary and sufficient to establish probable cause for the issuance of the requested criminal complaint charging EDSON GOMES RODRIGUES ("RODRIGUES" or "Defendant") with social

security account number fraud in violation of 42 U.S.C.

\$408(a)(7)(A).<sup>1</sup>

5. RODRIGUES is a native and citizen of Brazil and, according to records maintained by Immigration and Customs Enforcement, he is not present legally in the United States.

6. As an alien illegally present in the United States, RODRIGUES is not entitled to receive a Social Security Account number card.

7. On March 21, 2001, RODRIGUES applied for a Social Security Account number card. RODRIGUES falsely represented on the application, known as an SS-5, that he was a legal alien allowed to work, knowing that, in truth and in

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<sup>1</sup>42 U.S.C. §408(a)(7)(A) provides in pertinent part:

Whoever- ...for the purpose of obtaining anything of value from any person, or for any other purpose-(A) willfully, knowingly, and with intent to deceive, uses a social security account number, assigned by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 405(c)(2) of this title to establish and maintain records) on the basis of false information furnished to the Commissioner of Social Security by him or by any other person [shall be guilty of a crime.]

fact, he was not a legal alien allowed to work.<sup>2</sup>

8. As a result of providing false information, RODRIGUES received social security account number 645-74-7668.

9. The Massachusetts Registry of Motor Vehicles ("RMV") requires that an individual applying for a driver's license present proof of identification such as a valid social security account number.

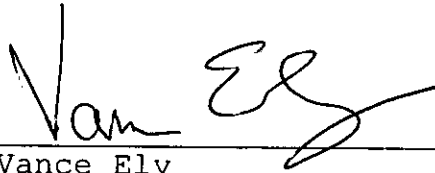
10. On July 25, 2001, RODRIGUES applied for a Massachusetts driver's license. On the application, RODRIGUES used the SSN he fraudulently obtained by providing the SSN to the RMV. As a result, a Massachusetts driver's license was issued to RODRIGUES.

Based upon the foregoing information, I believe there is probable cause to believe that on July 25, 2001, RODRIGUES did willfully, knowingly, and with intent to deceive, use a Social security account number, assigned by the

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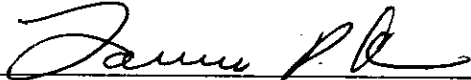
<sup>2</sup>Defendant's SS-5 application was processed by former SSA employee Jesse Rocha. On September 8, 2003, Jesse Rocha pled guilty to conspiracy to commit fraud in connection with identification documents in violation of 18 U.S.C. §1028(f); conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371; conspiracy to launder monetary instruments in violation of 18 U.S.C. §1956(h) and fraud and misuse of documents in violation of 18 U.S.C. §1546(a). During his plea colloquy, Rocha admitted to processing and approving over 1700 applications for SSNCs for illegal aliens during the period from April of 2000 until December of 2002. See Ind. 02-10405-GAO.

Commissioner of Social Security on the basis of the false information furnished to the Commissioner of Social Security by the defendant and other persons on the defendant's behalf, to apply for and to obtain a Massachusetts driver's license in violation of Title 42, United States Code, Section 408(a)(7)(A).



Vance Ely  
Special Agent  
United States Social Security  
Administration  
Office of Inspector General

Subscribed and sworn to before me this 31<sup>st</sup> day of August, 2004



LAWRENCE P. COHEN  
UNITED STATES MAGISTRATE JUDGE

JS 45 (5/97) - (Revised USAO MA 1/15/04)

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Massachusetts Category No. II Investigating Agency SSACity Taunton Related Case Information:County Bristol Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New \_\_\_\_\_  
Magistrate Judge Case Number 04-M00058-LPC  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Edson Gomes Rodriguez Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 6 S. Main Street, Milford, MA 01757Birth date (Year only): 1964 SSN (last 4 #): 7668 Sex M Race: Hispanic Nationality: Brazilian

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Jeremy M. Sternberg Bar Number if applicable \_\_\_\_\_Interpreter: ☒ Yes ☐ No List language and/or dialect: PortugueseMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: August 31, 2004☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

August 31, 2004

Signature of AUSA: Jeremy M. Sternberg